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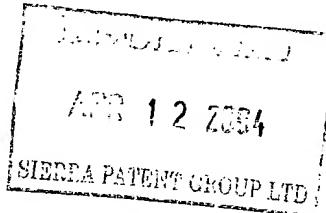
UNITED STATES PATENT AND TRADEMARK OFFICE

APR 26 2004

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Due 5/7/04

CPL



COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
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APR 07 2004

OFFICE OF PETITIONS

In re Application of :
Merrill :
Application No. 09/884,863 : DECISION ON PETITION
Filed: June 18, 2001 :
Attorney Docket No. FOV-053 :
:

This is in response to the communication entitled "Request for Refund of Petition Fee," filed June 2, 2003, which is being treated as (1) a petition under 37 CFR 1.181 for refund, and (2) a petition under 37 CFR 1.183 seeking waiver of 37 CFR 1.4(b).

The petition considered under 37 CFR 1.181 for a refund is dismissed.

The petition considered under 37 CFR 1.183 as a request for waiver of the rules is dismissed.

THE UNFORTUNATE REFUND OF THE PETITION FEE IN SEPTEMBER 2003 IS VACATED AS PERFORMED IN ERROR. PETITIONER IS GIVEN A NON EXTENDABLE TIME PERIOD OF ONE MONTH TO RESUBMIT THE \$650 PETITION FEE. FAILURE TO TIMELY RESUBMIT THE \$1300 PETITION FEE WILL RESULT IN VACATUR OF THE DECISION REVIVING THIS APPLICATION MAILED MAY 21, 2003.

BACKGROUND

The above-identified application papers were deposited on June 18, 2001. With the filing, applicant included a "Request for Nonpublication Pursuant to 37 C.F.R. § 1.213," which reads:

Applicant hereby requests that this application not be published under 35 U.S.C. § 122(b). Applicant certifies that the invention disclosed in the application has not been and will not be the subject of an application filed in another country, or under a multi-lateral agreement,



Docket No.: FOV-053
DA
JP

UNITED STATES PATENT AND TRADEMARK OFFICE
OFFICE OF PETITIONS

Inventor: Richard B. Merrill

Application No.: 09/884,863

Filed: June 18, 2001

Patent No.: 6,727,521

To Be Issued: April 27, 2004

For: "VERTICAL COLOR FILTER DETECTOR GROUP AND ARRAY"

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 4-22-04. Signed Carol Stanley
Carol Stanley

TRANSMITTAL LETTER

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir or Madam:

Attached hereto for filing are the following papers:

1. Check in the amount of \$1,300.00;
2. Copy of first page of Decision on Petition mailed April 7, 2004;
3. Return Postcard.

Please contact Applicant's attorney at the address, telephone or facsimile number below if there are any matters whose resolution can be expedited thereby.

Dated:

Sierra Patent Group, Ltd.
P.O. Box 6149
Stateline, NV 89449
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Respectfully submitted,
SIERRA PATENT GROUP, LTD.


Kenneth D'Alessandro
Reg. No.: 29,144